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TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [RP](#)

SUBJECT: RESPONSES TO USG RETENTION OF CUSTODY IN SUBIC CASE

REF: A. MANILA 218

[1](#)B. MANILA 192

[1](#)C. MANILA 191

[1](#)D. MANILA 134 AND PREVIOUS

[1](#)1. (U) Summary. Philippine media on January 18 covered extensively the Embassy's public announcement that the U.S. would invoke the Visiting Forces Agreement (VFA) and retain custody of four Marines accused of rape. Several politicians voiced anti-VFA and/or anti-U.S. sentiments. Court officials pledged to move forward with the case despite this "disappointment." Small numbers of protesters marched past the Embassy on January 17 and 18, but no wider public reaction has materialized. End Summary.

[1](#)2. (U) Local media on January 18 provided extensive coverage of the Embassy's public announcement that the U.S. would invoke the Visiting Forces Agreement (VFA) and retain custody of four Marines accused of rape (ref A), as well as of local reactions. Several senators, including co-chairman of the VFA Legislative Oversight Committee Miriam Defensor-Santiago, demanded that the GRP should now re-examine the VFA. Defensor-Santiago pledged to introduce a sense of the Congress resolution demanding at least renegotiation of the VFA for President Arroyo's consideration. She declared that the USG refusal was "no way to treat a co-equal or even a valued ally," a sentiment echoed by Senator Manuel Villar. Opposition Senator Joker Arroyo (no relation to President Arroyo) declared that the USG's "intransigence will only provoke an agitation for a re-examination" of the VFA, "and, if need be, its abrogation to correct an inequality and settle once and for all the continuing and unresolved issue that has plagued all US-Philippine military treaties in the past half century, namely the question of custody over US servicemen who commit offenses in the Philippines."

[1](#)3. (U) Senator Arroyo also claimed that "the US has adopted a double standard, one for the Philippines and another for other countries...The Philippines cannot go on with this one-way relationship with the United States." Opposition Representative Rolon Suplico of Iloilo said the USG's decision showed "the low respect the Americans (have) for Filipinos." Senate President Franklin Drilon said the USG's actions should serve as a wake-up call for Malacanang to fight for the interests of the country.

[1](#)4. (U) The presiding judge in the trial, Renato Dilag, reportedly declined Chief State Prosecutor Jovencito Zuno's request immediately to arraign the accused Marines so that the court could have custody of the four soldiers, stating, "I cannot take the initiative for that." Dilag further suggested that, with the question of custody finally resolved, albeit in the USG's favor, the case might even move forward faster than it has thus far. Prosecutor Prudencio Jalandoni told reporters that he does not consider the development a setback for the prosecution. Dilag and Jalandoni both reportedly expressed their "disappointment" over the US decision, however.

[1](#)5. (SBU) The media also reported Jalandoni's confirmation of reports that the alleged rape victim's private counsel, Katrina Legarda, and her group at the Child Justice League have resigned from the case. Legarda, a prominent attorney associated with several past high-profile cases in the Philippines, privately conveyed this news to emboff during the last week of December, but there have been no public reports of her resignation until now. Jalandoni and officials of the Department of Justice have asserted that Legarda's withdrawal does not indicate that the case will not be prosecuted successfully or that the GRP is giving up on it. According to one account, her team only signed on to ensure charges were filed, not to see the case through prosecution.

[1](#)6. (SBU) On the morning of January 18, Philippine National Police (PNP) contacts informed RSO that leftist groups Partido Ng Manggagawa, Gabriela, and Health Alliance for Democracy had received protest permits and were planning to march past the Embassy. This march, which took place over

the lunch hour, involved approximately 50 protesters, a size typical of the protests involving this case. There was also a smaller protest at the Embassy's main gates on January 17. In both cases, PNP Civil Disturbance Team officers effectively assisted in ensuring security, and the protests concluded without incident.

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